

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CONSTANCE ELAINE ARABATZIS,

Plaintiff,

-against-

UNITED VAN LINES, INC., MANNING  
CLAIMS SVCS LLC,

Defendants.

22-CV-10378 (JHR)

ORDER OF SERVICE

JENNIFER H. REARDEN, District Judge:

WHEREAS, Plaintiff filed a Complaint in the Civil Court of the City of New York, County of New York, on November 15, 2022;

WHEREAS, on December 8, 2022, Defendant United Van Lines, LLC (“United”),<sup>1</sup> by its attorney, George W. Wright, paid the filing fees to remove this action, and asserts that Mr. Dan Manning, the principal of Defendant Manning Claims Services, LLC (“Manning”) informed him that Manning had not received service of process (*see* ECF No. 4 at 3);

WHEREAS, Rule 4(m) of the Federal Rules of Civil Procedure requires a defendant to be served with the summons and complaint within 90 days after the complaint is filed;

WHEREAS, a civil action may not be removed unless “all defendants who have been properly joined and served . . . join in or consent to the removal of the action” within 30 days of service, 28 U.S.C. § 1446(b), and defendants who do not join in the removal “independently express their consent to removal,” such as through the “[submission of] letters to the court within the [30]-day removal period,” *Pietrangelo v. Alvas Corp.*, 686 F.3d 62, 66 (2d Cir. 2012);

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<sup>1</sup> United asserts that it was incorrectly sued as “United Van Lines, Inc.” ECF No. 4 at 1.

IT IS HEREBY ORDERED that the Clerk of the Court is directed to issue a summons as to Defendant Manning, and Plaintiff is directed to serve the summons and Complaint on Manning within 90 days of the issuance of the summons. If within those 90 days, Plaintiff has neither served Defendant Manning nor requested an extension of time to do so, the Court may dismiss the claims against Defendant Manning under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute;

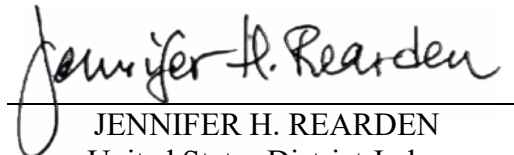
IT IS FURTHER ORDERED that Defendant Manning, within 30 days of service of the summons and Complaint, file a letter on the docket indicating whether or not Defendant Manning consents to removal of this action to this Court;

IT IS FURTHER ORDERED that Defendant United, within **two business days** of this Order, serve on Defendant Manning a copy of this Order, and file proof of such service on the docket promptly thereafter.

The Clerk of Court is directed to mail an information package and a copy of this Order to the *pro se* Plaintiff. Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

SO ORDERED.

Dated: February 1, 2023  
New York, New York

  
JENNIFER H. REARDEN  
United States District Judge